

REMARKS

Claims 1-43 are currently pending in the application. By this Amendment, claims 1, 18 and 32-35 have been amended, without acquiescence or prejudice to pursue the original claims in a related application. No new matter has been added.

Claim Rejections - 35 USC § 112

Claims 32 and 34 are rejected under 35 U.S.C. 112 as allegedly failing to clearly invoke 35 U.S.C. 112 6th paragraph. Applicant has amended the claims to no longer recite mean plus function. Thus, this rejection is now moot.

Claim Rejections - 35 USC § 103

Claims 18-31, 34-35 and 40-43 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Burgoon. (United States Patent No.: 5,706,510) in view of Earl et al. (United States Patent No.: US 6,966,058 B2). Claims 1-13, 15-17, 32-33 and 36-39 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Devin et al. (5,706,510) in view of Burgoon. Claim 14 is rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Devin et al. (5,706,510) in view of Burgoon further in view of Earl et al.

Claim 1, similarly claims 18, 32-35 recites at least the feature “generating a private symbolic link for the first member to reference the second version of the shared file, the private symbolic link comprising link criteria that designates that the first member of a group is authorized to use the private symbolic link such that the private symbolic link does not provide a universally visible symbolic link so that the private symbolic link is not visible to the second member of the group, wherein the first member and second member access different versions of the shared file based at least in part upon the private symbolic link during the rolling upgrade in the computing system” (emphasis added).

Dervin is directed to dynamic cluster versioning for a group. It updates the cluster infrastructure versions used by a group resident in a clustered computer system without requiring a shut down of the group during the update. Dervin teaches in column 7, second full paragraph, that software on each node is individually updated while maintaining the

clusters and groups thereon active. Once the cluster infrastructure software on all node in the group has been updated, and adjust version request is sent to any node in the group. Then, the software version used by each group is dynamically updated. Sending adjust version request of Dervin is not the same as the private symbolic link as claimed. Dervin is silent with respect to any private symbolic link as claimed. Thus, Dervin does not teach or suggest “generating a private symbolic link for the first member to reference the second version of the shared file, the private symbolic link comprising link criteria that designates that the first member of a group is authorized to use the private symbolic link such that the private symbolic link does not provide a universally visible symbolic link so that the private symbolic link is not visible to the second member of the group, wherein the first member and second member access different versions of the shared file based at least in part upon the private symbolic link during the rolling upgrade in the computing system” (emphasis added).

According to the office action, Burgoon teaches updating the shared file system using zymlinks. The update of Burgoon does not utilize, during rolling upgrades, any private symbolic link such that different members access different versions of a shared file because of at least in part the private symbolic link links only authorized members as claims. The update of Burgoon allows whole trees of files to be updated using zymlink. Zymlink is not the same the private symbolic link because zymlinks does not provide a universally visible link so that the link is not visible to different member of the group, wherein the different members access different versions of the shared file based at least in part upon the link during the rolling upgrade in the computing system. Therefore, Burgoon fails to teach or suggest “generating a private symbolic link for the first member to reference the second version of the shared file, the private symbolic link comprising link criteria that designates that the first member of a group is authorized to use the private symbolic link such that the private symbolic link does not provide a universally visible symbolic link so that the private symbolic link is not visible to the second member of the group, wherein the first member and second member access different versions of the shared file based at least in part upon the private symbolic link during the rolling upgrade in the computing system” (emphasis added).

Office action also states that Earl teaches sequentially loading and rebooting each of the plurality of nodes. However, this rolling upgrade process of Earl is not the process for the rolling upgrade as claimed. Earl is also silent with respect to any private symbolic link as

claimed. Thus, Earl does not teach or suggest at least “generating a private symbolic link for the first member to reference the second version of the shared file, the private symbolic link comprising link criteria that designates that the first member of a group is authorized to use the private symbolic link such that the private symbolic link does not provide a universally visible symbolic link so that the private symbolic link is not visible to the second member of the group, wherein the first member and second member access different versions of the shared file based at least in part upon the private symbolic link during the rolling upgrade in the computing system” (emphasis added).

For at least these reasons and reasons stated in previous responses, Applicants submit that Dervin, Burgoon and Earl, singly or in combination, fail to teach or suggest every limitation of claim 1-43.

CONCLUSION

Based on the foregoing, all remaining claims are in condition for allowance, which is respectfully requested. If the Examiner has any questions or comments regarding this response, the Examiner is respectfully requested to contact the undersigned at the number listed below.

To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant(s) hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. **50-1105**, referencing billing number **OI7030492001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. **50-1105**, referencing billing number **OI7030492001**.

Respectfully submitted,

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Vista IP Law Group LLP
1885 Lundy Avenue,
Suite 108
San Jose, CA 95131
Telephone: (408) 321-8663

By: /Jasper Kwoh/
Jasper Kwoh
Registration No. 54,921
for
Peter C. Mei
Registration No. 39,768